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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/701,660

11/04/2003

William I. Stopperan

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33549 7590 04/12/2007  
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EXAMINER

LABAZE, EDWYN

ART UNIT

PAPER NUMBER

2876

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/701,660

Applicant(s)

STOPPERAN ET AL.

Examiner

EDWYN LABAZE

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 1/10/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-68 and 108 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 23, 25, 33-43, 46, 52, 53, 59, 60, 66-68 and 108 is/are rejected.
- 7) ☒ Claim(s) 10-22, 24, 26-32, 44, 45, 47-51, 54-58 and 61-65 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 1/10/2007.
2. Claims 1-69 and 108 are presented for examination. Claims 70-107 and 109-253 are cancelled.
3. This application claims the benefits of 60/423,955 filed on 11/04/2002.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-9, 23, 25, 33-43, 46, 52-53, 59-60, 66-69, and 108 are rejected under 35 U.S.C. 102(e) as being anticipated by Lappe et al. (US 2004/0033501).

Re claims 1, 33-35, and 67-68: Lappe et al. {hereinafter referred as “Lappe ‘501”} discloses electronic custody and control system for human assay test samples, which includes identifying a specimen donor with a specimen donor identification information item (paragraphs 14-19); adequately specifying a specimen {herein a blood/urine product for testing} related event {as broadly claimed in the claimed language and herein interpreted by Lappe ‘501 as a clinical testing} identifier (see figs. # 4 & 6); associating said specimen donor identification information item with said specimen related event identifier (paragraphs 46-49); and generating a unique specimen identification information item in response to said step of associating said specimen

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donor identification information item with said specimen related event identifier (paragraphs 42-43, 56-59).

Lappe further discloses time-related {herein the date and time the sample was collected from the donor} identifier (paragraph 68).

Re claim 2: Lappe teaches a system and method, wherein means of generating a unique specimen identification information item in response to the step of associating the specimen donor identification information item with the specimen related event identifier comprises the step of generating a unique specimen identification information item 62 by performing the step of associating the specimen donor identification information item with the specimen related event identifier (paragraph 58).

Re claims 3 and 37: Lappe discloses a system and method, wherein means of identifying a specimen donor with a specimen donor identification information item comprises the step of identifying a specimen donor with a social security number (paragraphs 49, 58-59).

Re claims 4-6 and 38-40: Lappe teaches a system and method, wherein said step of adequately specifying a specimen related event identifier comprises the step of adequately specifying a specimen collection time, wherein said step of adequately specifying a specimen collection time comprises the step of specifying a specimen collection date, and wherein said step of adequately specifying a specimen collection time further comprising the step of adequately specifying a specimen collection time of day (paragraphs 61, 68).

Re claims 7 and 36: Lappe discloses a system and method, wherein generating a unique specimen identification information item {bar code 62, as shown in fig. # 6} comprises the step

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of generating a character-based, substantially contiguous specimen identification information item (paragraphs 31, 43, 56-58).

Re claims 8-9, 23, 25, 42-43, 52-53, 59-60, and 66: Lappe teaches a system and method, further comprising means of rendering the specimen donor identification information item not immediately discernible {herein Lappe discloses several security procedures to prevent tampering}, and further comprising means of associating a discernment process {herein password} specificity information item with the not immediately discernible specimen donor identification information item (paragraphs 52-53, 56).

Re claim 41: Lappe discloses a system and method, wherein the specimen identifier {herein the barcode 62} is substantially contiguous {herein interpreted as having a linear height but different width} (see fig. # 6).

#### ***Allowable Subject Matter***

6. Claims 10-22, 24, 26-32, 44-45, 47-51, 54-58, 61-65 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to specifically teach means of associating a character-based discernment code/decryption algorithm with the discernment process specificity information item to create a code representation information item, wherein the character-based discernment code represents the discernment process specificity information item. These limitations in conjunction with other limitations in the claimed invention were not shown by the prior art of record.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-69 and 108 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aryev et al. (U.S. 6,581,012) discloses automated laboratory software architecture.

Auchinleck (U.S. 6,983,884) teaches method and apparatus for monitoring transfusion of blood.

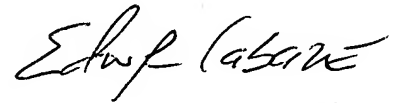
Stewart (US 2003/0183683) discloses method and associated system for specimen and sample chain of custody tracking.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
April 2, 2007